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EDITORIAL

Can't Help Falling in 'Law've With You

by Courtney Retter (LAW I)
Co-Editor-in-Chief

In the darkness of winter comes the iridescent light of heart-shaped candies and cards drizzled in drippy and gooey schmaltz. That is right. The most romantic day of the year is *finally* among us, as sweethearts prepare to shower the people they love with...things. Valentine's Day is named after Saint Valentine (shocking, I know). And his story, for instance, is one that many of us can perhaps relate to. After being rejected by the love of his life, Saint Valentine took a knife to his chest and sent his 'lady-friend' a package containing his still-beating heart as a token of his undying love for her. And alas, the red heart shaped card was born as the residual product of poor Saint Valentine's passion and suffering. Today, over one billion valentines are sent each year around the globe, with 85% of those cards being purchased by *women*.

Having gone to an all-girls high school, I never experienced that intense humiliation depicted on the big screen (Happy Gilmore comes to mind) as classmates compared the amount of love cards they received with the obnoxious kid sitting next to them. In my house, Valentine's Day was always an *all-inclusive* holiday. I received cards from my parents and grandparents, aunts and uncles, sibling and even my dogs. A part of me, however, always hoped for a bouffant bouquet anonymously left at my unsuspecting doorstep. I found myself fascinated by the Valentine's Day announcements that took up an entire section of my newspaper every February 14th. And while I had no idea who Audry was, I was curious as to why Tony felt the need to announce to the entire *Gazette* readership that, "Dear Audry, you are truly a dream come true. I love you for who you are and for everything you do. Love you forever, your husband Tony."

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Envoyez vos commentaires ou articles avant jeudi 5pm à l'adresse: quid.law@mcgill.ca

Toute contribution doit indiquer l'auteur et son origine et n'est publiée qu'à la discrétion du comité de rédaction, qui basera sa décision sur la politique de rédaction telle que décrite à l'adresse: <http://www.law.mcgill.ca/quid/epolicy/html>.

Contributions should preferably be submitted as a .doc attachment (and not, for instance, a ".docx."). Contributions should also include the **student year** of the contributor.

HURTS SO GOOD

by Stefan Szpajda (LAW II)

Given that, intuitively, the words "McGill Law Journal Annual Lecture" should have all the drawing power of a syphilis contracting party, last Tuesday's talk by John Ralston Saul was a complete success. Sizing up the crowd, one could be forgiven for suspecting that the Pope or Justin Timberlake (is he still someone?) were visiting the Faculty. Eager minds, young and old, flocked to the cushioned seats of 100 NCDH to be enlightened and entertained by Canada's foremost spouse of an anachronistic Constitutional wonder. Near calamity was neatly avoided as several security guards, straining to mask their glee behind a veneer of scrupulous professionalism, strutted into the Moot Court and asked onlookers seated in the aisles to, *tout court*, skedaddle.* The camera guy, obviously fulfilling his teleological purpose, evoked Kubrick with what was doubtless a moving registration of Saul's hypnotic bobbing. Young representatives from Montreal's flashiest law firms obviously failed to receive the memo that the lecture started at five. There are, however, various metrics of a time well spent, a buzzing crowd being just one.

Substantively, it would have been easy to feel let down by the event. Saul's analysis, a generous term under the circumstances, made that chubby filmmaker from Detroit seem like a scholar. While an optimist might call it bold, his version of history borders on parody. Like Weird Al skewering Michael Jackson, Silly Saul waxed poetic about Immanuel Kant and his crotchety old principles, Sir John A. Macdonald and his Scottish temper, and dozens of hapless and stupid explorers too retrograde to do something as simple as survive a Canadian winter (what clowns!). To hear Mr. Saul tell it, Europeans, humanity's incorrigible dunces, bumbled their way onto a continent so advanced that its inhabitants had somehow managed to invent single-payer health care and articulated a Law of the Sea that would

make the so-called tolerant Dutch blush, all without reliance upon the vulgar trappings of a wheel. The real tragedy of the farce was that in his effort to reconstitute

the past, Saul systematically avoided mention of sundry very real Aboriginal traditions, triumphs, and accomplishments. Why he felt that treaty-people can only appreciate ingenuity on our own terms, I'm not quite sure.

And yet despite being so wrong, if not because of it, the man was largely in the right. At its core, the telling of history is a series of wild exaggerations, insulting simplifications, brazen exclusions, and bureaucratic oversights. Historians are grand conjurers of a time and a place that never truly was, not meticulous chroniclers of discrete events. Their most important task is to square the present with the past, outfitting the uninterested masses with a compelling version that suits their prejudices.** These prejudices, incidentally, become self-fulfilling prophecies, through various path dependencies and inevitable ideational incest. Unsurprisingly, this is intolerable to those who are excluded from the winning team, not by fact but by the spilled ink of interested parties. Though he had the air of a half-informed teenager as he did it, our guest earnestly asked us to accept what we should already know: our parents and teachers lied to us, and they do not intend to stop.

Behind his faux-gentleman veneer, Saul is too intelligent to possibly believe his own goofy notions about Europeans. More plausibly, he recognizes the potential benefits of incorporating a new set of myths into the collective consciousness. Simply put, there is a strong argument to be made that the Canadian narrative is incomplete, and that the place occupied by Aboriginals in our national story must be changed. If we accept as much, it is our duty to begin telling a new set of lies. Saul, a bullshit artist in perfection, is merely showing us how.

Radical historians are familiar with this process. Hardly a monolithic bunch,

some manage to reconcile their unyielding principles with the rigorous demands and inevitable compromises of professional legitimacy. Most noteworthy among these is E.P. Thompson. Others, including Howard Zinn and his ilk, are largely popularizers who specialize in obnoxiousness. Though the latter are of questionable integrity, they too serve a useful purpose. Arousing adolescents to reimagine the past is admirable, and at the very least has made whoever owns Ernesto Guevara's image a small fortune.

The danger in Saul's approach lies in two places. First, those who take these accounts as definitive are bound to repeat the same intellectual errors as their predecessors. Replacing an account of the past that is no longer compelling does not amount to revealing the truth, it's just another nice story. A nice story that will inevitably require further editing at some point, and we must continue to facilitate that possibility. Conversely, those who zealously protect the past as it is currently constructed will feel pretty sheepish each time their follies are exposed. Alternatively, they will foolishly suppress a narrative that might contribute to our understanding of the past, and by extension, the present. Only by inviting Saul to dinner and asking him to wait his turn to speak can we achieve the correct balance between fact and fiction that makes history work.

Saul, more like Zinn than Thompson, is no hero of mine. He is self-important and boorish, a bureaucrat posing as an intellectual. The product of an endearingly Canadian blend of self-loathing and defiance, he parades around the country like a quack doctor or renegade preacher. A part of me feels that only when the conditions that allow such charlatans to receive honorary degrees and the public's attention cease to exist will Canada have anything resembling an intelligentsia. A stronger impulse tells me that honorary degrees and the public's attention are best left for the charlatans to enjoy anyway. (A pragmatic streak suggests that I'd be a pretty good self-important boor, and as the wily rabbit said, if you can't beat 'em join 'em.)

Though I almost walked out when he took the name of Mordecai Richler - a man who would not have stomached a moment of Tuesday's performance - in vain, I did not share the outrage felt by some of my peers. When I started law school, I hoped that I would finally learn the algorithm that made our society so effectively, almost majestically, comfortable with its remorseless pragmatism and tokenistic charity. That some set of principles would somehow

justify what only the most callous and dulled mind could call a just set of circumstances. Now I'm convinced that it turns on a pretty and useful set of lies that outlive the people who tell them. I mean that in the most positive and sincere way, and fail to imagine a world built on any other terms. It's not a revolution that we need, just a broadening of our imagination. We need to update and enliven our bullshit so that it can speak to a new generation of Canadians. If we're going to invent a past,

let's invent one that creates an appropriate space for the people whose future we almost erased.

* After six years at this school, I remain puzzled at the source/extent of their authority.

** Note: says I.

SAUL REMOVES THE SCALES FROM OUR EYES

by Nick Melling (LAW II)

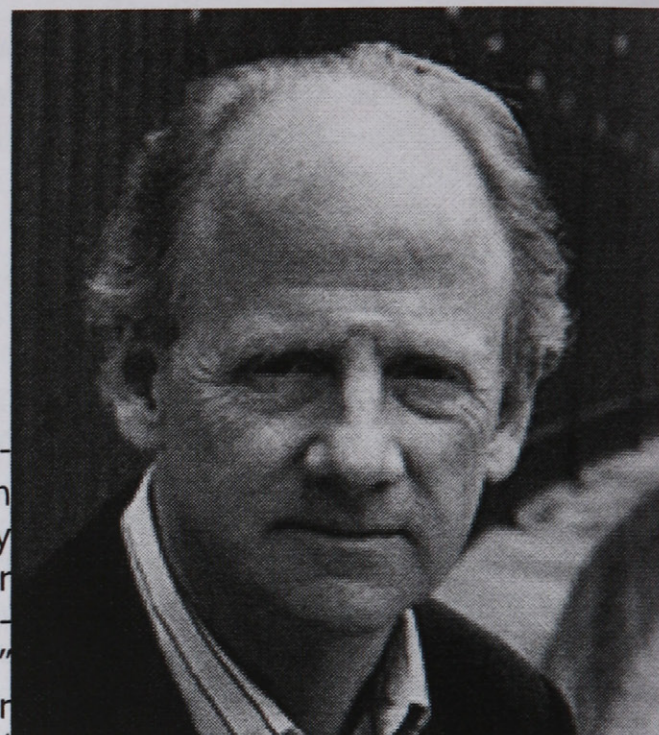
When I heard that John Ralston Saul would be gracing our faculty (and his honorary Alma Mater) with his presence, I made sure to arrive at the Moot Court early. Like the legions of John Ralston Saul admirers (that John Ralston Saul would later take care to mention during his speech), I like the notion of Canada as a Métis nation, and I applaud his goal of highlighting the contributions of First Nations to our national identity. One and a half hours of undiluted Saul, however, was all I needed to rid myself of any hope that the man might be an effective spokesperson for his own ideas.

John Ralston Saul belongs to the all-or-nothing school of historical research. No "one possible theory" or "the sources suggest" for Mr. Saul! When one's goal is to sweep away the cobwebs from the eyes of benighted sheep, there is no time for subtlety, humility, or evidence. "Every time Canada tries something the 'First Nation' way, it succeeds," he enlightened us at one point. "Every time Canada tries something the European way, it fails." And afterwards, as always, rang out Mr. Saul's proud refrain: "But they never teach you that, do they?"

One good thing that Europeans *did* manage to do in Canada, however, was to perish in its hostile climate, thereby

providing Mr. Saul's speech with a number of serviceable punch lines. "When the first settlers came to Quebec, they couldn't even get through the winter without *dying!*" he deadpanned, to general merriment. "Stupid, *stupid* men," was his reasoned appraisal of explorer John Franklin's crew. Having diagnosed these simpletons' failure to survive Arctic conditions for longer than three consecutive years - trapped in ice, and suffering from lead poisoning and botulism - as a case of *plain old idiocy*, the suit-clad old sage went on to discuss his own forays into the tundra ("I've been to more places in Canada than anyone but my wife!"). Perhaps John Ralston Saul was hoping that we would apply his own methodology for assessing intelligence, and accept his courageous survival of airplane travel and heated hotel rooms north of 60 as proof of his remarkable mental acumen. If so, this may have been his most understated proclamation of his own genius.

A few people I talked to after the speech told me that John Ralston Saul did not really mean to be taken seriously, that his wild hyperboles were intended to make us think, rather than actually convince us of the truth of what he was saying. I hope this is true. But even if this is the case, he is still committing exactly the same offence he condemns mainstream historical schol-



arship for: completely ignoring the contributions of certain groups to Canadian history. At one point he denied any possibility of a European inspiration for single-tier health care in Canada (conveniently ignoring the precedent of the British National Health Service, to cite only one example), preferring to ground its origins in the very earliest contact between Europeans and First Nations three or four centuries earlier. Later, when explaining why Canadians should take pride in their country, he rattled off a list of notions that he claimed didn't exist in Europe at the time of Canada's founding, including, incredibly, "peaceful resolution of disputes." And then, right on cue, "But they never teach you that, do they?"

No, Mr. Saul, indeed they do not. And this, at least, is something Canadians can be proud of.

A PAGE FROM THE PAST: SEARCHING FOR PROPORTIONALITY IN JERUSALEM

by Hinda Rabkin (LAW IV)

Having spent four (non-consecutive) years of my life in Jerusalem, it seems to me that life in the Middle East moves at a quicker pace. Children grow up faster, buildings are built quicker, and political solutions become irrelevant sooner than the time it took to devise them. But some speeches and discussions remain significant; and this is so, despite new conflicts which arise and change the political sphere.

I returned to Jerusalem in the summer of 2007. As it happened, my first week there coincided with the 40th anniversary of the Six Day War (concluded on the 7th of June, 1967). The Six Day War saw Israel conquer Sinai, the Syrian Golan Heights, the old city of Jerusalem and the West Bank. This war irrevocably changed the political landscape of Israel, giving birth to a religious-nationalist movement intent on permanent colonisation of the West Bank. The war also put many Palestinians under Israeli control who had previously been dispersed, thus sharpening Palestinian desire for statehood.

I attended portions of a conference organised by the Minerva Centre for Human Rights in conjunction with Hebrew University, ICRC, and Tel Aviv University. The title of the conference was "Forty Years after 1967: Reappraising the Role and Limits of the Legal Discourse on Occupation in the Israeli-Palestinian Context". The conference delivered a legalistic analysis of the situation, often jumping back and forth between Israeli law and decisions of the International Court of Justice (ICJ).

The keynote address was delivered by Professor Martti Koskenniemi, a renowned public international law academic from the University of Helsinki. His talk was called "Occupied Zone – 'A Zone of Proportionality'". Looking at recent Israeli High Court decisions on the

occupied territories, he found it striking that the Court constantly referred to the notion of "proportionality" and the "balancing of interests" to determine the rights and interests of the various parties. The Court (in *Bet Sourik* (HCJ 2056/04)) found that "proportionality is the standard for balancing between the authority of the military commander in the area and the needs of the local population." The Court in that case then went on to ask if the separation fence is proportionate. In doing so, the Court explicitly ensured that this question would not be seen as a political or security one. The Court framed it as a legal question which must therefore have a legal answer. After meticulously assessing the route of the fence and its impact on the rights and interests of the parties involved, it was dissatisfied and sent the military back to the drawing board. It was a precedential and controversial decision, since it overturned military discretion for the first time in Israel's history.

Koskenniemi later recounted his visit that day to Ramallah and Bethlehem. When he saw the wall (and no one who has seen it, I hope, can remain unaffected) he didn't think about proportionality and the difference of moving it 5 meters to the right or to the left. Upon seeing the wall, he felt a visceral 'no'.

Yet, proportionality lies at the heart of the law on occupation and of international humanitarian law. Proportionality, then, is not a recourse of last resort, or a marginal remedy, but is the central norm against which the acts of the occupation authority must be measured.

Max Weber noted that in a complex environment, law becomes deformed: strict rules do not work and thus there is a search for the objectives and interests which the law aimed to promote and protect. Indeed in the complex set-

ting of international humanitarian law, one cannot equivocally set out a priori rules to govern situations. Koskenniemi conceded that the drafters of international humanitarian law (namely the Geneva Convention (IV)) could not predict by which means a threat to public security would arrive, and therefore had no choice but to revert to the indeterminate language of proportionality.

Nevertheless, there is a paradox in using proportionality as a qualitative determination of legality. Koskenniemi argued (using what I found to be a Raz-based positivist argument) that people come to law because they cannot agree on a course of action. It is self-evident that a good decision is balanced. Law is introduced into society because it is assumed that in the pre-legal state, members of society could not calculate and balance values in an acceptable manner. People go to the law precisely to find that elusive balance. Thus, when people turn to law for guidance, and the law then refers them back to balance and proportionality, the end result becomes a circle of intuition, rather than legal argument. This law with proportionality as its central norm must presuppose the presence of certain conditions if it is to mean anything. It presumes the existence of shared values grounding the assumptions upon which intuition is based and thus acceptable. The irony is that it is precisely the absence of these conditions that serve as the grounds to have such law at all. Proportionality cannot be pushed into deductive reasoning. What is proportionate to one audience will not be proportionate to another (and it is interesting to contrast the decisions of the ICJ and the Israeli High Court regarding the wall with respect to their presumed audience).

Koskenniemi powerfully concluded (after discussing many factors that I did

not detail for fear of turning this into a twenty-page paper) by saying that "a law that thinks that an occupation *can* be proportional and reasonable is a law not worth having."

As I left the conference hall, trying to digest both the legal and political implications of his speech, I was stopped by an Israeli waiter of the hall who was waiting for everyone to leave so that he could clean up. He asked me if the speech was over and I replied that it was. "In between you and me" he then said, "it isn't an occupation. You can tell me, what do you really think?" I answered that there are many people right now who feel that it is an occupation and that this should be enough. He

seemed surprised by my response and murmured "but we didn't want it to be that way". I replied that "either way, that's how it is. Now the focus should be on remedying the situation."

As I walked home, accompanied by a lovely view of the Old City of Jerusalem, I felt it unlikely, that public international law could hold any answers to the tragic dilemma of occupation. And yet intuitively, in such volatile circumstances, I felt that a formal instrument might help counteract political instability and abuses. Indeed, the Israeli High Court has served to help protect rights that were politically unpalatable to government. But I can't help but agree with Koskeniemi that it is time to replace

"the melancholy vocabulary of calculation and proportionality" with vigorous political participation and political solutions.

Note: the whole of Prof. Koskeniemi's paper can be found online at: http://www.helsinki.fi/eci/Publications/Talks_Papers_MK.htm

MLIC: IT'S GOT WHAT YOU'RE LOOKING FOR

by Natai Shelsen (LAW II)

[Disclaimer: the following does not represent the beliefs and opinions of the MLIC directors... well, it might... but I didn't ask first...]

Getting admitted into McGill Law generally means you've earned your stripes in community involvement. It probably also means that your personal statement contained words like *social justice*, *intellectual curiosity*, and *leadership*. Many of us continue that tradition and demonstrate those qualities by participating in extracurricular activities here at the Fac. With countless opportunities for leadership, learning and involvement in all kinds of (legal and non-legal) fields, there really is something for everyone.

When I heard that the McGill Legal Information Clinic was low on volunteers this semester, I decided to pick up a second shift. The thing is, as much as I love all of my other activities (and those of you who know me know that there are lots!), there's something *special* about MLIC. As law students, I know that our time is a precious commodity that must be spent wisely. Here's why I think you should spend it at MLIC:

1) You're gonna *really* learn

One of the biggest criticisms of McGill Law is that it is too *theoretical* – we're learning about the roots of the Civil Law instead of learning how to use our Civil Codes! It was the realization that (despite having somehow passed CLP) I still didn't know how to use my Code that made me pick up that second shift. If I wasn't going to learn anything practical in my classes, I would make damn sure I was learning outside of my classes. MLIC has presented the best opportunity for real, practical learning; I have learned more about the practice of law at the Clinic than I have in any of my classes so far.

At MLIC, you learn the important stuff: how to sift through facts to figure out what's relevant, how and where to look to find the answers you need, and how to make that information comprehensible to someone who may know nothing about the law. You get a real-life fact pattern, with real-life implications, and you get the benefit of amazingly knowledgeable supervisors to help you out along the way.

2) You're gonna *really* help

A second criticism of McGill Law is that it is too *corporate*. Lost in a sea of Coffeehouses, cocktails, and recruitment, I have recently found myself wondering if the words *human rights* and *social justice* were just catchy McGill Law buzz words meant to trap the best and the brightest in order to ultimately turn us into corporate minions. MLIC helped demonstrate that social justice is alive and well at McGill Law, if you want it to be.

MLIC helps make justice accessible. Anyone can call in, and everyone does: we deal with almost everything from Family Law to IP – in all cases, these are the *real* issues of *real* people. Unfortunately, many people (often those facing financial, linguistic and other barriers) do not have access to justice. Without the Clinic, clients may not be aware of their rights or develop a better understanding of the law. The service provided by the MLIC is invaluable to those clients and to the community in general.

3) You're gonna *really* like it

I love McGill Law. But a lot of what I love about it happens outside of the classroom. There is a lot to like about MLIC. The supervisors are knowledgeable and helpful (and fun!), and you get to work with, and get to know people with whom you may not normally interact. You learn something new on

every shift, and you get better at the job as you go. Moreover, you get the satisfaction of knowing that you are making a positive contribution to your community. What's not to like?! I am genuinely excited when I walk to my shifts, and satisfied and happy when I walk home, knowing that I did something good – both for myself and for someone else.

I would urge you to consider volunteering at MLIC this year (or next year if you're in 1L). It offers the opportunity to learn and to help out your community. Without volunteers, too many calls go to voicemail and too few people are there to research and deliver crucial legal information, which confirms our concerns about the accessibility of justice. If you came to McGill Law to learn

how to practice the law and to contribute positively to the world, MLIC is a great place to start.

If you're interested, email Ariela at hr.mlic@mail.mcgill.ca.

FINDING POETRY IN BIZASS

V.02.02.09 – 1400-1700

by Lauren Chang MacLean (LAW III)

Somewhat idiosyncratic
private cupidity

(slide)

in broad brushstrokes
fair and excellent questions
this may be pushing it a little too far

(slide)

pushing pushing the corporate agenda
the slightly more sophisticated version
does that answer your question? You seem a little skeptical.

Maybe I spaced you out...
In a nutshell, in an effort to un-space-out people

coupon-clipping
(slide)
Your money is safe with me

that is a story worth being told
we're not convinced

he may have underestimated
they also have social agendas
(slide)

yup yup yup
my own preclusions, rather than biases
I do tend myself to
on left and right, actually

(slide)

could undermine democracy
put the issues on the table

what could that possibly mean in practical terms

the mega argument
the meta-regulatory function

let me be the person to take care of your money
we are all capitalists now

Warren Buffett!
so what
I'd wanna nudge

along comes the depression
the Bubble Act

highly problematic if not simply pathological...

you won't be examined on it

the big loser
Warren Buffet
Greenspoon...?
No...
Greenspan

university professors and other people

this is George W. Bush
not so much a disaster
in the beginning
its not what you'd imagine

lawyers were agonizing
(slide)
the revenge of the lawyers

(slide)
I'm in the market for an auditor
this is an important story for law students

THE OTTAWA CONVENTION TO BAN LANDMINES: A PANEL DISCUSSION ON FEBRUARY 17TH

by Disability & the Law

The Ottawa Convention to Ban Antipersonnel Landmines: Disability Perspectives

Tuesday, February 17th, 2009

5:00-7:30 PM

Moot Court

Following up on last year's well-attended public panel discussion on the International Convention on the Rights of Persons with Disabilities (ICRPD), *Disability & the Law* along with the Human Rights Working Group and the McGill International Law Society will be hosting a panel discussion on Tuesday, February 17th.

This year's public panel discussion will be focused on the intersection of the Ottawa Convention to Ban Landmines and disability issues. We will be joined by Cameron Macauley, a health specialist from Survivor Corps who works with landmine survivors all over the world; Christa McMillin, a program officer for Mines Action Canada, an NGO which helped bring the Ottawa Convention to the forefront of the Canadian diplomatic agenda in the 1990s; and Anne Woodbridge, the Mine Action Director for the Canadian International Development Agency.



We feel that this is a very "Canadian" topic, as this is a very "Canadian" convention, having been sponsored and implemented with great zeal by our government. Also, this convention serves as a precursor to the ICRPD in that Article 6 calls for the physical and social rehabilitation and reintegration of landmine victims, the vast majority of whom are severely physically and mentally disabled by these weapons. We hope to explore how Canada and other countries around the world are implementing this treaty.

Please come out to learn more about the Ottawa Convention to Ban Landmines and to participate in the discussion! There will be sandwiches and finger food served before and after the event.

Envoyez vos questions ou commentaires à disability.law@mail.mcgill.ca.



"CANADA'S FIRST BLACK GRADUATE AND LAWYER SAVED QUEEN'S U."

by Anthony N. Morgan (LAW I)

This article is written in honour and recognition of a Canadian Hero; Canada's first Black university graduate and our country's first Black lawyer, Robert Sutherland (1830-1878).

Gifted scholar, master debater and noble philanthropist, Robert Sutherland, a native of Jamaica, became the first Black student to graduate from a Canadian university when he graduated from Queen's in 1852. While Black people were still being owned, brutalized and traded as chattel in the Antebellum South and the lingering effects of slavery still loomed over Canada, which had abolished the wretched institution less than 15 years earlier, Robert Sutherland still managed to overcome the popular perception of Black skin being a badge of inferiority.

Undeterred by the deeply racist climate of the time, Sutherland's keen intellect shone brightly and did not go unnoticed at the university. During his time at Queen's, he managed to gain acclaim as a formidable debater on what is now Queen's Debating Union, an organization for which he also served as treasurer. His commitment to excellence in scholarship was such that he also earned 14 academic awards in various subjects including Latin and Mathematics.

After completing his studies, Sutherland became the first Black member of the Law Society of Upper Canada in 1855 and went on to have a successful practice in the Ontario city of Berlin (now Kitchener). Berlin is known to have attracted many American slaves who had escaped to Canada through the Underground Railway. Sutherland is believed to have helped these slaves earn titles to unsettled land, which ultimately enabled them to vote. He later moved his practice to Walkerton, Ontario. As a distinguished lawyer in Walkerton, he became so well regarded in his community

that he was eventually elected to serve as reeve of Walkerton, the rural municipality equivalent of mayor.

The success of his practice and the fact that he had no family, allowed Mr. Sutherland to amass a notably sizeable estate, for a man of any race at that time. As such, when Sutherland became grievously ill with pneumonia, he was visited by Queen's principal George Monro Grant. Mr. Grant is believed to have requested Mr. Sutherland's help in rescuing Queen's from the financial hardship it was suffering due to money the institution lost in a bank collapse. Mr. Sutherland succumbed to his illness in 1878 and upon his death bequeathed his entire estate to Queen's University. Mr. Sutherland left approximately \$13000 to Queen's, which was equal to the university's annual budget, ultimately making him that institution's first major benefactor.

Though Mr. Sutherland left a considerable amount of money to his alma mater, it was the effect of his generous gift, more than its sum that was most significant. Because of Mr. Sutherland's donation, Queen's University was able to escape being annexed by the University of Toronto which at the time was exerting considerable pressure to take over the Kingston institution. Queen's used Mr. Sutherland's gift to spearhead a fundraising initiative that ultimately saved the university from financial ruin and eventual annexation.

Today Mr. Robert Sutherland's legacy lives on through a memorial room and scholarships established in his name, and also through a visitorship which brings notable speakers to Queen's to deliver distinguished lectures on equity, community diversity and race relations to the campus.

I invite you this Black History Month to consider this Canadian hero's contribu-

tion and significance to not only the African Canadian community but to Canada in general. Mr. Robert Sutherland's pioneering achievements helped pave the way towards enabling Canada to create itself as a land that today is vibrant with diversity and that prides itself on being a global bastion of multiculturalism. For this, he should never be forgotten.

To learn more about Canadian Hero Robert Sutherland, check out the following links:

<http://www.globecampus.ca/in-the-news/article/the-1st-black-graduate-of-queens-saved-his-alma-mater-will-his-story-be-told/>

<http://www.theglobeandmail.com/servlet/story/LAC.20090121.COLETTS21-5/TPStory/Education>

<http://www.cbc.ca/allinaday/listenagain.html>

<http://www.queensu.ca/jduc/rsv.html>

<http://www.lsuc.on.ca/latest-news/b/archives/?i=11451>

<http://queensjournal.ca/story/2009-01-23/editorials/honour-sutherland-legacy/>

PROP QUIZ

by Robert Whillans and Mike LeHuynh (LAW II)

"What's the deal with adverse possession?"
(Inspiration from Prof. Klinck's Common Law Property class)

Match quotes on the left with the concepts on the right

Quote	Property Concept
"So when somebody has B.O., the "O" usually stays with the "B". Once the "B" leaves, the "O" goes with it."	a) Image as the object of property?
"But I'm backing in! You can't put it in head first!"	b) Formulae as an object of property?
"Well, I didn't count on my mechanic pulling a Mary-Beth Whitehead, did I?"	c) Personal tales as an object of property?
"George, you're not getting Seven! Now get outta here!!"	d) What else can be the object of property?
Elaine: "You think you can pose me however you want? That's my ass in your window!"	e) Bailment: Was there control and possession?
"So I guess I'll have to buy him a new coat, even though I don't think I should be held responsible, which I am anyways."	f) Independent right of the bailee (sub-bailor)
Elaine: "He sat in mud. Not you". Kramer: "But I did sit in mud."	g) 'Gross' negligence on the part of the bailee
"You know, I think he was wearing my Houndstooth jacket."	h) Pre-possessory right
"Yeah, that's right. I got 'em all. Cold cucumber, corn and crab chowder, mulligatawny" X: "Mulliga...tawny?"	i) Pre-possessory right
To Elaine: "If I can't play tennis I have no reason to live"	j) Duties of the bailee and lost property
"Two exact same watches. He tells you a week, and him a day. How could that be? Something's fishy about this."	k) The Rule in Shelley's case
"It's a Twix. They're all Twix! It was a setup, a setup I tell ya! ... Twiiiiixxxx!"	l) Joint tenancy
	m) Joint tenancy
	n) Adverse Possession
	o) Lost property
	p) Bailment: Deviation of terms
	q) Bailment: Deviation of terms

Trivializing property law was not our intention.
Questions and concerns should be directed to Rob, accolades to Mike.
Send your answers to trivializinglaw@gmail.com.

COMMUNITY CENTRAL: MOTIVATIONAL MUMBLINGS

by Laura Easton (LAW II)

You're frantically factum-ing and trying to bring everything together for your Course aux Stages. Your nails are gone and your cupboards are bare. You're spending so much time at Matteo's, you now know even the dentistry students by name. You've rewritten your signature a thousand times, trying to perfect your cursive for your cover letters. The long swoop on your first initial shows that you're gracious. The small, perfectly-rounded lower-case letters that follow display an energy unmatched. And your surname –oh how it leaps off the page to scream leadership ...but in a humble way.

I hope you're laughing, because you're right. It *is* ridiculous. Last week I tried to get a group of random students together to work on our CVs and discuss what we think various firms are looking for. I had a couple different people comment on how we are in competition with one another, so we shouldn't be doing anything that could serve to the advantage of one another. What kind of teamwork is that?

This week, in addition to those zany interviews and Droit à l'image, Community Central brings you some tips on how to de-stress. I share them with all of you because you're not my competition, you're just the people who know what I'm going through, and the people I learn from on a daily basis. I wish everyone the best in the upcoming month of applications and interviews, and invite you all to partake in the "mock-mock-interviews" I'll be organizing within our peer group, seeing as the CDO has announced they do not have room for all of us! (laura.easton@mail.mcgill.ca to "register" –all are welcome!)

This article isn't intended to be as humorous as my Exam Wishlist, nor as serious as my DIY Guide to Fostering a Community in your Law School. Its purpose –pure and simple- is to get you to CALM DOWN. While I'm certain that firms are aware students can be nervous going into Stage interviews, it surely cannot hurt to put your best (see: calmest, happiest, most-confident) foot forward.

Things you can do to de-stress:

The best thing you can do to de-stress is whatever normally makes you happy. If you love to run, make the time to go for a run. More into cooking? Buy some groceries and make a full sit down dinner –and then eat it, without studying. Watch an episode of Gossip Girl, write in your journal, go visit your folks in the West Island, or play a game of Settlers of Catan online. The point is, find something you love and drop everything. If you're in a negative space you're probably not being very productive anyway, so go clear your head and then start afresh. Make sure you're still getting enough sleep, eat healthily, and drink plenty of *water*.

I hear your complaints: "Laura, I thought you were going to tell us what *you* do. Why does this sound like Professor Lametti's speech at the beginning of Foundations" WHY? Because great minds think alike! But there is one more thing –

I FIND A WAY TO LAUGH! Here are some helpful tips to get you started.

-Type "Irelande douze points" into youtube. It's by "dustin the turkey" and has got to be the greatest, most ridiculous eurovision song ever. There is no way you can watch that video and not start to laugh.

-Watch SNL: *Best of Dana Carvey*. I'd

lend you my copy, only Scott still has it from first semester

(**NOTE THE PUBLIC SHAMING**)

-read "Classmate Connection"

-Ask Charlie Feldman to tell you one of his legal puns.

-Find me in the hallway and ask me to tell you a story about my dating life. I guarantee you that I have enough bad date stories to get you through the entire Course aux Stages.

-Get Stefan Spajda to tell you the story about the time a bandmate missed practice

-Crank the cheesiest music you can possibly think of, back away from your studies, and start dancing and singing aloud. For those of you trying to be all contrary with your "what if I study in the library," I say the following: "Someone turning on music in the library is annoying. Someone turning on music and creating a musical in the library is undeniably awesome."

I present you **one final proposal** to help you de-stress. This tactic was actually a tip from the BCF-McGill Open House on how to prepare for a successful interview. You can either write it out, or do it in your head while brushing your teeth, taking a shower, walking to school, or "listening" to your lecture in the moot court (you know the one). Think of twenty things you have to be proud of –twenty things you have completed, accomplished, or survived. Then think about how those have helped shape you.

This is productive in that it helps you prepare for your interview, but it's even more productive in that it reminds you how far you've come and how great you already are. If you have any difficulty coming up with examples, come tell me your life story. I guarantee you I'll discover 20 amazing things about you within the hour.

ONE-LINERS TO KEEP YOU POSITIVE.

If you find yourself growing tired and questioning whether it's worth it:

"The way to acquire enthusiasm is to believe in what you are doing, and in yourself, and in something definite accomplished. Enthusiasm will follow as

day follows the night. " -Dale Carnegie

If something goes awry: "A bend in the road is not the end of the road -- unless you fail to make a turn." -Unknown

"Success has many fathers, but failure is an orphan" -JFK post Bay of Pigs.

If you find yourself overwhelmed: "There is no such thing as a self-made man. You will reach your goals only with the help of others." -George Shinn

"Inch by inch is a cinch. Yard by yard is very hard" -my Grandpa Tuggle, and

probably someone else before that.

If you find yourself losing confidence: "The world has the habit of making room for the man whose words and actions show that he knows where he is going." -Napoleon Hill

If you find yourself focusing too narrowly on one little thing: "Perfectionism is the enemy of creation, as extreme self-solitude is the enemy of well-being." -John Updike, *Odd Jobs*

If you find yourself dwelling on a

mistake: "Yesterday is not ours to recover, but tomorrow is ours to win or lose." - Lyndon B. Johnson

Laura's life-motto: "*The difference between ordinary and extraordinary is that little something 'extra'.*" -Unknown, but seen on the magnetic board of the First Baptist Church on 5th Ave.

A RESPONSE TO THE CEGEPIAN

by Costa Ragas (LAW III)

Dear beleaguered member of the minority Proletariat Cegepian Class,

It has come to my well-distinguished and honoured Undergrad Superspecies attention, that you have a bone to pick. In your most recent attack on the stability brought to you by your Undergrad Superspecies archons, you raise several insufferably ignorant arguments proffered by your unabashedly baseless faux-premises. I will stop to address the drivel I was so shocked to read in our Faculty's illustrious weekly pamphlet, but only because I am certain that the infinitesimally small Cegepian cerebral cavity can only be illuminated and filled by the glowing commentary of your Undergrad Superspecies overlords.

The Threat to Your Co-Existence

Whenever you attach the prefix "co" to any word, it presumes a certain level of equality. Naturally, in your underdeveloped embryonic state, you seem to have assumed that the Cegepian Proletariat Class is on matching or even comparable footing. Quite simply, you are not.

We, your Undergrad Superspecies principals, permit you to walk our hallowed halls in the hope of your accelerated evolution by osmosis. However, your

tired and inarticulate diatribe indicates a certain resistance to this holiest of evolutionary processes.

Never forget, you, as a member of the Proletariat Cegepian Class, do not "co-exist" with the Undergrad Superspecies, you are permitted and tolerated as a natural consequence of your nature.

The "Parasite" Characterization

You shamelessly describe your Undergrad Superspecies superiors as parasites. Once again, your unidirectional cognitive capacities have limited your ability to comprehend the environment in which you are authorized to participate.

This incorrect characterization you assert with such seraphically predestined certainty is an affront to the kindness and mercy which your Undergrad Superspecies sovereigns have afforded you.

On the Greatest of Achievements

Your twisted sense of morality has further skewed your appreciation of the Proletariat Cegepian Class' "natural" claim to "precedence and preference." Although you may believe that the abundance of in-class assignments and

papers you churned out in your pre-formative years meandering about the halls of our educational system's greatest sham, you and your entire sub-species' greatest achievement is a DEC - a designation marginally better than your secondary title.

Although many in the Proletariat Cegepian Class snake their way through CEGEP for a period of time equivalent in length to an undergraduate degree, this is not sufficient to infer any sort of congruency in rigour.

The Logical End

Although I could go on at length about the rest of your account of inter-faculty cross-species interactions, it is my firmest of beliefs that you cannot possibly absorb any more. I have already tested the limits of your facilities - and this, for now, must suffice.

Costa is a loving and caring member of the Undergrad Superspecies with many friends from the Proletariat Cegepian Class.

SSMU LIBRARY IMPROVEMENT FUND: AIR YOUR GRIEVANCES

by Lexi Pace (LAW II)

Stop me in the hallway and tell me what you hate (or love!) about the library. I can help.

As Michelle Gabowicz mentioned in her reply to the SNAIL article, one of the places to air grievances about Gelber and any of the McGill Library branches is the Library Improvement Fund Committee (LIFC).

I have been on the LIFC three years now, first as a member-at-large and twice as coordinator. We're always look-

ing for feedback that we can take directly to Janine Schmidt, the Director of Libraries, as well as to the librarians at different branches. We're responsible for liaising between students and staff and for funding improvement projects in the downtown branches of the library.

Please give us a piece of your mind at: ssmu.lifc@gmail.com, or communicate with me directly at alexandra.pace@mail.mcgill.ca.



THIRD- AND FOURTH-YEAR STUDENTS: A MESSAGE FROM THE GRAD BALL COMMITTEE

by Megan Cowan and Lisa Smith (LAW III)

Hi everyone!

Thanks to everyone that has taken the time to fill out our survey. If you have not done so yet, please do it as soon as possible – the deadline is THIS FRIDAY, FEBRUARY 13TH AT 5 P.M. There are several ways to complete the survey:

- By tearing out the version that was printed in the January 27th edition of the Quid

- Online at http://www.surveymonkey.com/s.aspx?sm=Ay4m_2fHZhTo0qD62hQ_2fSDOQ_3d_3d

- By picking up a paper copy from one of the envelopes outside the LSA office

- By emailing Megan at megan.cowan@mail.mcgill.ca or Lisa at lisa.smith1@mail.mcgill.ca to request a copy

Please return hard copies to the LSA Office in the "Prez 3" Mailbox. Also, please note that multiple answers ARE FINE! Please circle whatever options you would be happy with!

It has also come to our attention that there has been some confusion as to WHO exactly our grad ball survey is directed towards - once again, McGill's famous three-and-a-half year program has caused some difficulties!

As we understand it, some people who are graduating in 3.5 years (e.g. finishing school in December 2009) are worried that since they are not graduating this spring, they may not get a grad ball since they may not be around for the one next year. The simplest way for us to explain WHO the survey is targeted towards is this: if you consider this YOUR grad ball (e.g. you finished school this past December, you are finishing in April OR you are finishing NEXT Decem-

ber but don't expect to be around next spring), then we consider you a "graduating student" in terms of who the grad ball is all about. Hey, if you're in second year but consider this YOUR grad ball because you will be on exchange for all of next year, then tell us in the comments section and we will count your opinions as that of a graduating student.

In addition, there have been some questions as to why there is a question about what year are you in - although the survey is meant to target mainly graduating students, the committee is aware of the fact that we cannot control WHO actually responds to the survey - we figured the best way to take this into account is to ask people to be honest about what year they are in.

Thanks, and see you at grad ball!

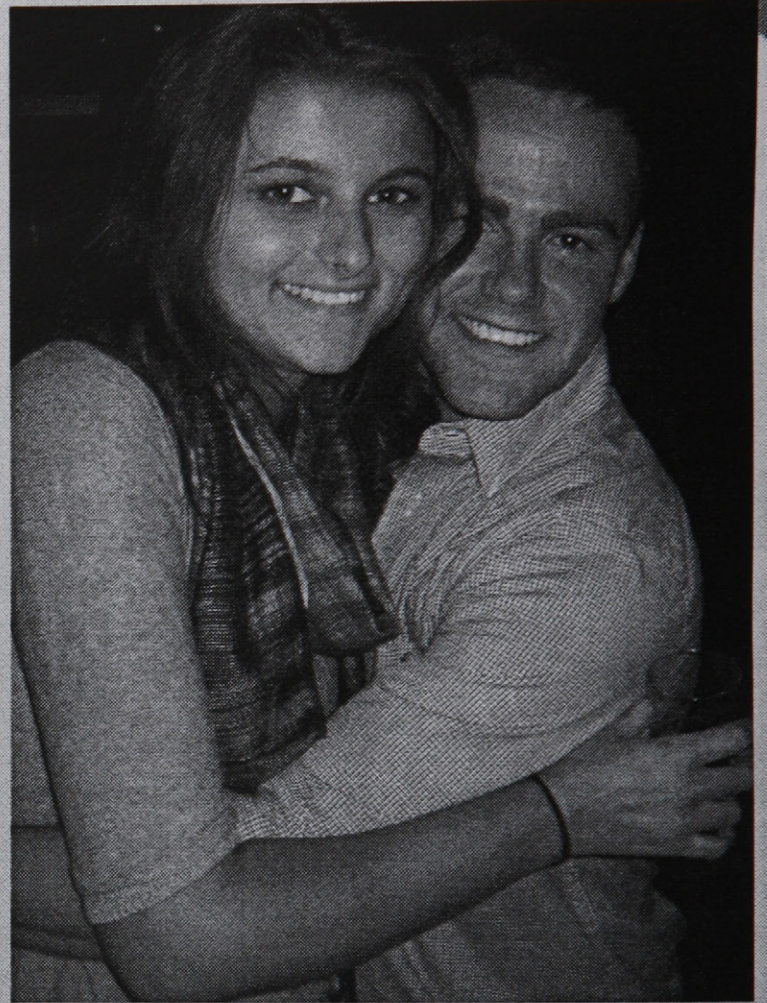
DROIT À L'IMAGE

by Charlie Feldman (LAW I)

'With Valentine's Day fast approaching, The Quid feels the love here at the fac. The only question is: couple or not a couple? The Quid asks you to examine these coffeehouse photos. La question est, comme Céline Dion l'a chanté : « D'amour ou d'amitié? ».



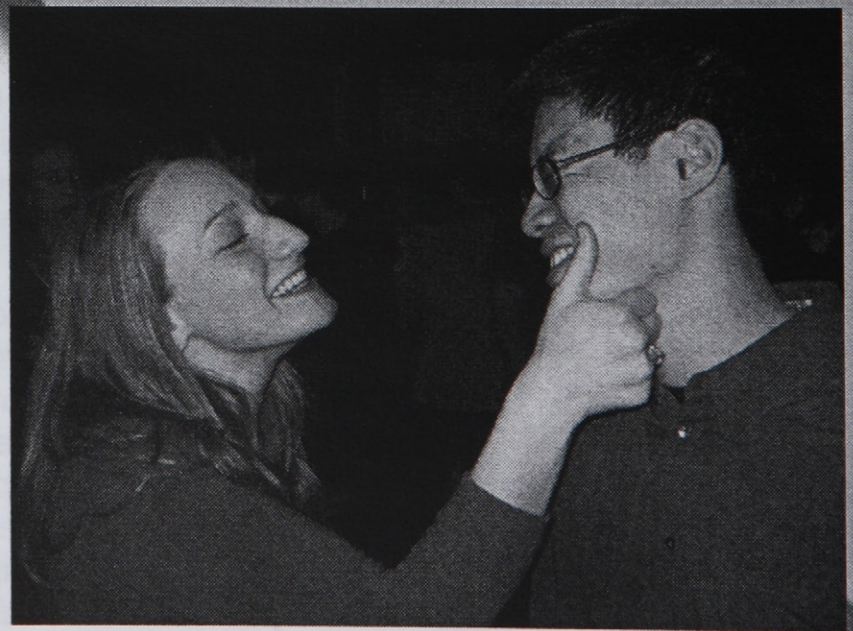
If you were an offer, I would totally accept 'cause I want to be legally bound!



If loving you is a crime, I have both the mens rea and the actus reus!



You're like the Tax Act – at first you intimidated me, then I got to know you better, and now I'm madly in love! Plus, we totally spend all our time together!



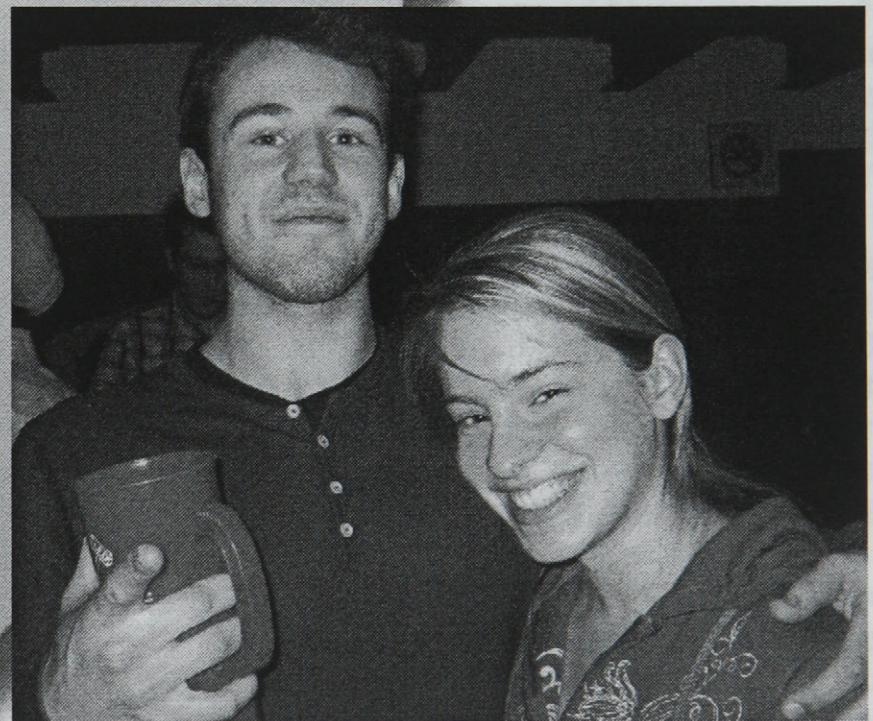
Ton amour me rend plus high que Legal Meth!



Applying the 'reasonable person' standard – who wouldn't be madly in love with you?



My love for you knows no boundaries – it's trans-systemic!



Your beauty is such unjust enrichment; how can I ever hope to remedy this?



T'es un immeuble par attache, car sans toi je serais incomplète!

The Quid realizes Hallmark doesn't employ lawyers in its card writing department. Donc, le Quid vous donne ces expressions pour bien parler d'amour à votre blonde/chum!

Happy Valentine's Day!

COMPUTER CORNER: IF YOU ARE DOING “THIS” IN MICROSOFT WORD, THERE IS A BETTER WAY — PART 3

by Narimane Nabahi (LAW III)

We continue our visit to the land of Microsoft Word 2007. Last week I addressed the topic of cross-references, this week I move to the topic of non-breaking spaces.

Nonbreaking spaces

Goal: You want to keep two or more words in the same sentence on the same line. For example, you do not want to see the following separated: “Art. 597 C.C.Q.” Instead, you want to see “Art. 597 C.C.Q.” kept together. (Notice how there would be enough room for the second word “Art.” to fit on the previous line. Notice how much space there is between the words “Instead”, “you”, “want”, “to” and “see”).

Manual approach: You see that you have “Art.” at the end of a line and “597 C.C.Q.” alone on the next line. You go to the beginning of the word “Art.” and start adding spaces until “Art.” starts on the next line. Worse, you press enter before “Art.”

Solution: There is something called a nonbreaking space. This is a space that forces the word on the right and the word on the left of the space to stay together. You can insert such a space by going in the “Insert” ribbon, “Symbol” (at the end), “More Symbols...”, “Special Characters”, Non-breaking Space (see picture). If you don’t want to go through all these steps, you can simply press Ctrl+Shift+Space. It’s best to do this as you type along, but in the worse case, you can always replace spaces with nonbreaking spaces when reviewing your document. Make sure you do this from top to bottom because adding these spaces will alter the format of the rest of the paragraph.

Bonus tips: to see if you have or where you have nonbreaking spaces, you can reveal those (and much more) by clicking on this icon in the Home ribbon:



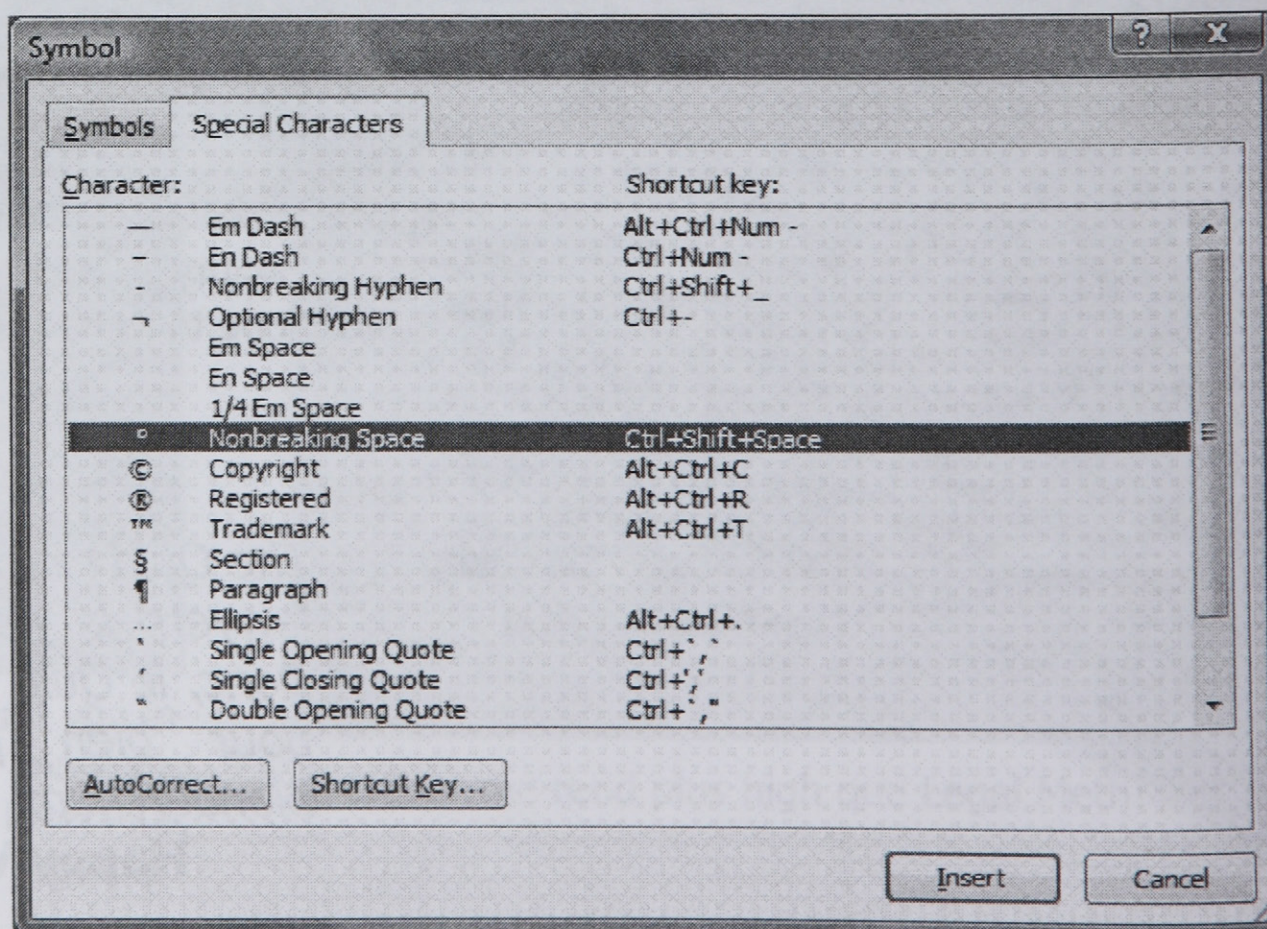
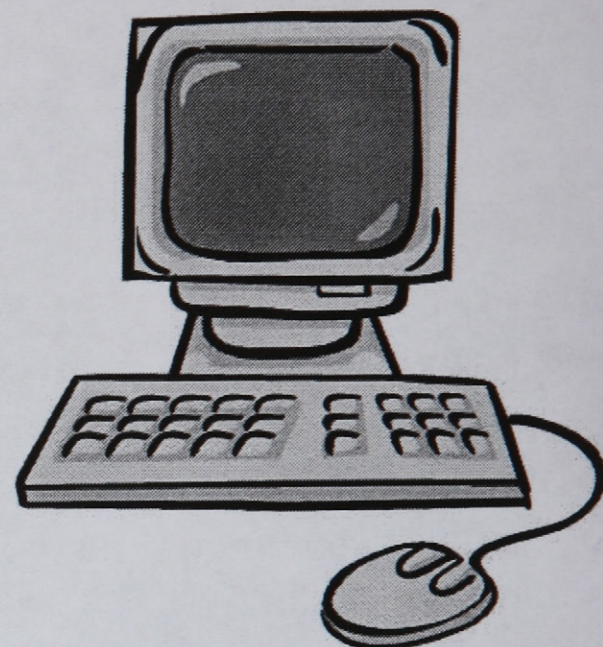
Nonbreaking spaces are represented by a small circle (°). Also, you can find a nonbreaking hyphen and other useful special characters from the same dialog (see picture).

Where:

http://word.tips.net/Pages/T001081_Inserting_a_NonBreaking_Space.html

<http://support.microsoft.com/kb/211887>

You can find this column with hyperlinks online at www.twistlaw.ca. If you have any questions or suggestions for future columns, email me at Narimane.nabahi@mail.mcgill.ca.



COMMUNITY CENTRAL— CLASSMATE CONNECTIONS

by Laura Easton (LAW II)

I was very encouraged by the positive feedback I received regarding the last edition of Classmate Connections. For those of you I've had the pleasure of interviewing –if you don't see your interview in this week's Quid, look for it next week! If anyone has any random questions they'd like to see in print, please find me in the hall, or e-mail them to laura.easton@mail.mcgill.ca.

Name: Tim Bottomer (LawII)

1. Start date: 2007, expected graduation: December 2010

2. Zodiac: Aquarius. I think.

3. If you were stuck in a room with Charlie Feldman, Ivan Nault & myself singing a musical (full-voice), which musical would it be? Les Mis. (CF: Who would be Eponine?) Laura. (CF: Damn).

4. You're making the best pizza ever –what's on it? You have to start with a piazetta thin crust, then classic tomato sauce, smoked meat, mushrooms, artichoke hearts, asparagus tips, peppers, hot peppers, caramelized onions, asiago and feta. Peppercorns.

5. With which Friend (NBC) do you most identify? Rachel's dad.

6. It's 1999 and you're in your bedroom avoiding the rest of the house... what are you listening to? Offspring – Americana

7. What is baked ziti? I don't know. Some kind of near-Eastern treat?

8. Now we all know that the moon is not made of green cheese ...but if it were made of barbecue ribs, would you eat it then? Yes. And I could eat more of it than Leah Jane Kutcher and Natai Shelsen combined.

9. Following that, what's your favourite SNL sketch? I despise the 'more cowbell' (CENSORED). I enjoy Tina Fey, but more for 30 Rock.

10. Who would you vote...

Best Hair? Liz

Nicest Eyes? Liz

Most Helpful? Liz

Most Smiley? Liz

11. If you were stuck on a deserted island with a game of Cranium consisting of only one category, which would it be? Trivia. Cranium bastardizes Pictionary and all the other good games into a committee version.

12. Apples are to trees as law students are to ...? Patriarchal power structures.

13. Boardwalk or Park Place? I don't know what that means. Park Place.

14. (For Tim especially) If you could be the leader responsible for one military defeat, which battle would it be? Thermopylae.

15. If you could tell your classmates one thing about you, what would it be? Lonesome Dove is great literature and should not be ignored because it deals with Western themes.

Name: Charlie Feldman

1. Start date: 2008, expected graduation: December 2011

2. Zodiac: Aquarius

3. What's your favourite study spot? Not. I don't study. I'm even boycotting the library.

4. Who is your favourite law school couple - former, current, or future? I know but I can't tell you. It's not public yet. I have the pictures though.

5. What song best describes your law school experience? "I Want It That Way." If a teacher asks me why I wrote something on an exam? – I want it that way. If Matteo's asks me if I want cheese? ...

6. Apples are to trees as law students are to ...? Bananas. I know that doesn't make sense, but it does to me.

7. If you had to go on a date with one member of the LSA exec, who would it be? Who haven't I dated on the LSA? (*whispers and starts to count on fingers*) ...Tim, Jeannine, Alex, Rachel....

8. With which Friend (NBC) do you most identify? Ross – mostly for the hair. Oh wait, didn't I rock the Rachel at one point?

9. Boardwalk or Park Place? Finding out will be your luxury tax... wait – depends if you pass Go.

10. Who would you vote...

Best Hair? Anja Kortenaar – love that red hair.

Nicest Eyes? Me. Lamed – the eyes that launch a thousand memos.

Most Helpful? My law partner, duhh. Sy Yang. (*Vp-Academic nods smugly*)

Most Smiley? Me... or anyone in any of the law games pictures.

11. What is the funniest thing you've ever heard in a law class? Dedek on Proximity of Contractual Partners: "We're talking about a business relationship... not some casual meaningless encounter... in a financial setting ... on a weekend."

12. What has been your favourite LSA or faculty-organized party to date? End-of-Semester Party. Almost none of the photos were Facebookable. Just wait for the blackmail album.

13. What's your favourite flavour of ice cream? Magic Brownie Mountain.

14. If you could tell your classmates one thing about you, what would it be? I love you... and I can sing with all the voices of the mountain. And I can paint with all the colours of the wind.

A CONSERVATIVE APOLOGIA: A RESPONSE TO JAMIE GIBSON

by Joanna Baron (LAW I)

I'm thankful to Jamie Gibson for his article 'Encouraging Intellectual Diversity'. It presents a well-argued endorsement of intellectual diversity from a liberal democratic standpoint. I agree with Mr. Gibson that there is a disconcerting homogeneity in the opinions and stances that are voiced within the Faculty. I've often found a stifling sense of communal consensus in our Faculty, as though we've worked through all the fundamental questions of societal existence already. Though Mr. Gibson convincingly points out that the political climate of our Faculty does not mirror the political demographics of Canada, the chattering classes in Canada are largely liberal ones, and the educated classes are disproportionately liberal. Like Mr. Gibson, I view this as an unfortunate fact that coddles those who are in the majority and, most of the time, excludes the few outliers from participating in the conversation.

I think encouraging diversity of opinions for the sake of intellectual diversity is a fine goal. However, genuine diversity entails actual consideration of other positions rather than democratic toleration of 'despicable opinions'. This is a lot to ask under any circumstances, and near impossible in as hectic and gossipy a climate as this law school. I'd say that I am uniquely well situated to address why the 'conservative minority'- which exists even if it consists of only four of five people in our class- mostly keeps silent. Unfortunately, it bodes poorly for Mr. Gibson's well-articulated hope for respectful and open dialogue.

I am on the whole in disposition and outlook more conservative than most of my friends and colleagues at the Faculty. Still, I consider myself a conservative specifically because it is not an ideology, nor does it claim to have one important goal or set of positions. R.J. White writes: "To put conservatism in a bottle with a label is like trying to liquefy

the atmosphere...The difficulty arises from the nature of the thing. Conservatism is less a political doctrine than a habit of mind, a mode of feeling, a way of living." Still, on some substantive issues I take traditionally conservative positions. Although as a matter of policy I accept legal abortion, I was thoroughly horrified to learn that Henry Morgentaler was named to the Order of Canada. I think strong external defense is important. I think the state should interfere but never to the point of hampering private enterprise. I am pro-religion, pro-community, and pro-family.

I've kept quiet about most of this, though, because of early direct experiences with the unfortunate intolerance for opinions falling outside of the spectrum Mr. Gibson describes. There is no other way to say this but to resort to an anecdote, so here it is: at a party that Mr. Gibson probably also attended last fall, I met a bright young man who was apparently also very politically spirited. He introduced himself and immediately warned me that McGill Law was 'like Western feminism... they pretend to be progressive but are really just conservative and backwards.' He also shared some well-articulated, and to me provocative, thoughts on how he conceived of his identity: a white man, he told me he identified as 'Other, as the feminine, as the oppressed.... If you were walking down the street and were raped, I would automatically sympathize with you.' I pointed out that, though I appreciated his hopefully-never-needed sympathy, this was a political stance: what was his identity before conventional questions of power domination came into play? Did he have any conception of himself prior to politicization? He seemed nonplussed, and we parted ways.

Later that night, a friend told me this same young man had approached her

to warn her about me. 'Watch out for that girl!...She's *conservative!*' Now I was nonplussed, because I hadn't shared any of my political contentions with him (which, to be fair, probably wouldn't have gained me any points), I only questioned his.

Political ideology, like politics itself, becomes poisonous when it convinces people to possess all the complexities and answers to this mortal coil's questions. The same corporation which destroys our oceans and puts developing world families in sweatshops also builds wealth and saves people from hurricanes. A woman has a choice not to carry a child to term: her reasons are well-justified and well heard. There is another person whose voice and reasons will never be heard on the matter, however. And finally, no city or political ideology exists before human beings, who are more than just their sexuality, gender, or capital gain. It's disturbing, then, on a human level, to be brushed off by someone not because of my person- you might legitimately just not *like* me, after all- but because of my suspected ideological commitments.

I need to send this in before the Quid deadline and deal with my Meth homework. But I'd just conclude by saying that though class conversations seem to be dominated by one general brand of political opinion, our year as a whole is full of truly singular individuals. I've met a queer, radical, ardent Christian, a Zionist hippie mother, a poetic Thatcherite, slightly retro Wilson-esque internationalists, hawkish Obamaites, and everything in between. Diversity lurks, but doesn't yet speak.

MARKET MUTTERINGS

by Jer Lewsaw (LAW I)

Although many in government might prefer to believe that any transformational decisions concerning the restructuring of the banking system can wait until programs aimed at reviving the economy have had their intended impact, this is wishful thinking. A complete realignment of the role of government in the economy will be one result of this financial crisis, and in this respect many of the decisions which are being taken under pressure will have formidable consequences for the following decades.

Many leading economists have been forced to concede that the era of Ronald Reagan and Margaret Thatcher, wherein government was seen as 'the problem', has been brought to an end. It's helpful however to examine precisely what this might mean in order to appreciate the realignment necessary over the next few years. The Reagan/Thatcher era has not simply been closed because it has 'run its course', like a dishwasher cycle. Instead, some of its most basic assumptions have been undermined. The two sectors of the economy which have been most directly responsible for the crisis, housing and financials, profited throughout recent decades less as a result of the free market than from their dysfunctional reliance on government.

In housing, the presence of Fannie Mae and Freddie Mac was instrumental. It seems almost obscene looking back from our present situation that throughout the housing bubble, these 'Government Sponsored Enterprises' (GSEs) were encouraged to straddle the nebulous zone between private and public. Neither the market nor the government saw any problem with two supposedly private companies benefitting from the implicit promise that the government would never allow them to default on their debts. This wink-wink, nudge-nudge guarantee meant that Fannie and Freddie issued debt for a price only slightly higher than that of the US gov-

ernment itself. With access to such cheap debt, the two GSEs fuelled the housing bubble by hungrily buying up any mortgages that smaller banks could spew out. The GSEs cared little that mortgages were being sold to people who couldn't afford them and continued to fuel home ownership among the poor with the active encouragement of Congress. Through Fannie and Freddie, the US was attempting to have its cake and eat it too, benefitting from private ownership (no huge set of mortgages on the government balance sheet) with a public mandate and dirt cheap cost of debt. Financial engineering played the nefarious role of convincing otherwise sensible businesspeople that mortgages could be sold to anyone with a heartbeat, on the belief that 1) housing prices could never fall and 2) any bad mortgages could be mathematically made to disappear. As absurd as those propositions might seem, the US housing market was willfully constructed on their foundation for the last generation.

Since the crisis began, Canadians remark to each other routinely (if somewhat vaguely) that our economy is healthier than the American economy. It's important to appreciate the specific reasons why this might be so, apart from a general sense that Canada's economy is structured less aggressively than the American economy, or that we have fewer poor people with mortgages. While these suspicions may be well founded, our good fortune is due more particularly to prudent decisions limiting the risk in our financial and housing sectors. While Fannie Mae and Freddie Mac attempted to blend public and private, the Canada Mortgage and Housing Corporation (CMHC) has always been a completely public venture. Aggressive lending practices were discouraged in Canada, forcing lenders to take out insurance on all mortgages where downpayment was less than 20 per cent of the value of the house. Furthermore, Canada has virtually no adjustable-rate mortgages, which tease borrowers with low interest rates for the

first year or two with rates increasing steeply thereafter.

Whether the financial sector appreciates the gravity of the situation is an open question. Recent behavior suggests that perhaps they haven't read the memo, one notable demonstration being the decision by Merrill Lynch's management to award bonuses to its staff despite the company having been forced into capitulation and takeover by Bank of America, an acquisition financed by the American taxpayer. Merrill didn't see any trouble apparently in rewarding bonuses, despite the fact that the company had imploded in 2008 and wouldn't exist at all without government assistance. Citigroup Inc, after having received \$45 billion in federal bailout aid last fall, proceeded to order new luxury jets. AIG received \$85 billion from the government, then promptly dropped \$440,000 on executive spas. Just this week, Wells Fargo & Co had to be persuaded to cancel a plan to send its top mortgage officers on a swank Las Vegas employee 'conference'. Wells Fargo was kept afloat by \$25 billion in federal aid late last year.

Compensation in the financial sector will be one front on which governments across the western world will battle the hubris of their new employees. The expectations of those who work in financials may be in need of a jarring realignment to the new reality. It has been argued by many economists that the crisis has demonstrated that much of the profits earned by the handsomely compensated financial sector over the last generation were utterly illusory. In any event, since it is now clear that the downside of the risks taken by the banks will be assumed by the government, there must also be greater control on their potential upside. Otherwise, the government would essentially be permitting the financial sector to conduct itself like a giant casino, with the taxpayer picking up the 5am bill every morning while the bank executives and employees stagger off to sleep away their hangover from another wild night at the tables. Discovering the compensation balance that encourages just enough risk, while attracting talented and hard-working professionals and discouraging megalomaniacs, will

be crucial.

Perhaps more important will be governments' decisions concerning the degree to which they will intervene in the regular business that the banks conduct. When American and European politicians express frustration that banks which the taxpayer saved from destruction are 'not lending enough', it's fair to wonder to whom they are supposed to lend? Overextended consumers who are currently defaulting on their mortgages and credit cards, or overextended business who are exhausting ways to avoid paying their suppliers? Since most agree that government pressure to lend to anyone in sight was part of the reason for massive losses in financial companies in the first place, isn't forcing them to lend in the current climate suicidal? The looming issue is in what capacity government will act as a manager for the crucial sectors for which it is now a significant

shareholder, from financials through the auto sector and housing. The questions aren't especially new, but they're being posed in very real and pressing ways for the first time in generations.

It's far too simplistic to say that private and public should always be kept apart, and that whenever losses are 'socialized' and profits 'privatized' you have a recipe for disaster. Anytime that the state provides public education and health care, this 'socializes' costs that might otherwise be borne through the private sector, allowing companies to spend money elsewhere. The question is instead, how much should be socialized, and how much privatized? On this question, reasonable people may disagree, and the proper balance which permits a healthy pace of economic growth underpinned by a healthy society is a delicate one indeed. Perhaps the most important lesson Canadians should take from the crisis is that both

financial and housing sectors require government intervention to function well. It's unquestionably less costly to provide regulation and monitoring during the good times than to fool ourselves into believing that these sectors should be unrestrained only to have government swoop in after each explosion to clean up the mess left behind. While there are always good reasons to be concerned about stifling growth and innovation through overregulation, no country should ever again allow its financial sector expand to these levels in such a rapid and unsupervised manner.

PUBLIC INTEREST CAREER DAY 2009 – WEDNESDAY, FEBRUARY 18

by Helen Nowak (LAW II)

The Public Interest Career Day is fast approaching and there are a lot of activities planned for students. Some of the events require registration on *myfuture*. If you want to be involved, make sure to register early in order ensure your spot.

Because I have been involved in planning this year's Public Interest Career Day, I can attest to the amount of work put in to make it successful. The CDO has tried to reach out to a wide variety of public interest firms, organizations and government branches. It has sought out student input, feedback and suggestions about who to invite. In particular, the Human Rights Working Group, the McGill International Law Society and the Centre for Human Rights and Legal Pluralism have been extremely helpful.

Close to thirty lawyers and professionals working in the public interest will be attending our Public Interest Career Day! Students are highly encouraged to

explore career avenues by taking advantage of the many activities planned throughout the day (A description of each is provided below). If you have any feedback or suggestions for next year's Public Interest Career Day please feel free to email the CDO at: placement.law@mcgill.ca.

PIC Day Events

1) Networking Event

The networking event will take place in the OCDH Common Room between 10:00 and 11:15. It is designed for students who want to meet professionals in an informal setting, ask questions and get to know more about the work done by the representatives. Students must register in advance on *myfuture* and there are only 40 spots open. Make sure to register early!

2) Kiosks

As usual, Kiosks will be set up in the Atrium during the universal break between 12:30 and 13:30. Participants will be handing out information about the organizations they work with and will be available to answer student questions.

3) Speaker's Panel

There will be a speaker's panel in room 101 NCDH. Speaker's will discuss how to approach career development in the public interest and will field questions from students. The panel event will be similar to the panel discussion organized by the Careers Portfolio of the Human Rights Working group in October, except there will be more participants from a variety of organizations across Canada.

4) Interview Workshop

The Interview Workshops are designed to be informational; it is up to students to ask questions they deem relevant for

their job search. Here are some tips for students in preparation for an informational interview:

1) Try to get to know the day-to-day activities of the practitioners working with public interest organizations. Workdays are often different than those at larger firms and it is helpful to have an idea of what skills you will need to highlight in your resume and cover letter in order to fit into a particular working environment.

2) Remain professionally attired even if the organization appears to be more laid back.

3) If you are nervous about doing these interviews, bear in mind that most public interest lawyers are concerned about the lack of information available to students about social justice law, and are happy to encourage more students to pursue this path.

4) Think about what questions you would like to ask. In preparing for your information interview, here are some

questions that have been found to be helpful:

- What are the responsibilities and main practice areas of your department/office?
- What does a typical day or week involve?
- What advice do you have for a student looking for a similar position - do you recommend any particular type of courses, extracurricular activities, clinic work or summer jobs?
- What does your organization look for in an applicant?
- What are some of the pros and cons of the career path you've chosen?
- Are there any other people who you would suggest I speak to about this?

On *myfuture* students can find a listing of all participants who have agreed to be interviewed. During the week of Feb-

ruary 9th, a listing of the organizations and bios of the representatives attending the Public Interest Career Day will be distributed so that students can select those representatives they wish to speak with. Each interview is 15 minutes and students have the opportunity to register in up to 3 sessions between 2:45 and 3:30 pm. CDO encourages all students to get involved in these interviews as they represent a rare opportunity to meet individuals working in the field. Please register as soon as possible on *myfuture* so that we can relay this information to the participants.

The CDO hopes you have a wonderful Public Interest Career Day and welcomes feedback and suggestions for future events. If you are available to volunteer on Wednesday, February 18th, please contact Lianne Barski at: placement.law@mcgill.ca.

Also, be sure to check out the new section of the CDO website, dedicated to Public Interest Careers: <https://home.mcgill.ca/cdo/publicinterest>



COLLOQUE À LA MÉMOIRE DU TRÈS HONORABLE ANTONIO LAMER

by Héloïse Apestéguy-Reux (LAW II)

Le vendredi 21 novembre 2008, grâce au soutien de l'AED et le nouveau Club de droit constitutionnel comparatif, j'ai eu l'occasion d'assister au colloque organisé pour souligner la contribution du Très honorable Antonio Lamer. C'est l'Institut canadien d'administration de la justice, avec la collaboration de la Faculté de droit de l'Université de Montréal, qui organisa ce colloque à la mémoire du Juge Lamer, décédé en automne 2007.

Le colloque toucha à quatre thèmes principaux – la contribution du Juge Lamer au droit pénal, au droits et titres autochtones, au droit constitutionnel et en conclusion, au leadership judiciaire de Lamer. Parmi les nombreux conférenciers : l'Hon. Juge Morris Fish de la Cour suprême du Canada, l'Hon. Juge Anne Mactavish de la Cour fédérale, l'Hon. Juge Patrick Healy de la Cour du Québec (et ancien professeur ici à la faculté), l'hon. Juge Robert Sharpe de la Cour d'appel de l'Ontario, ainsi que plusieurs professeurs distingués incluant Professeur Jutras de notre faculté. A la fin de la journée, il était clair que le Juge Lamer, qui fut nommé à la cour suprême en 1980, et qui servit en tant que juge en chef de 1990-2000, eut une influence importante. Voici quelques faits saillants du colloque :

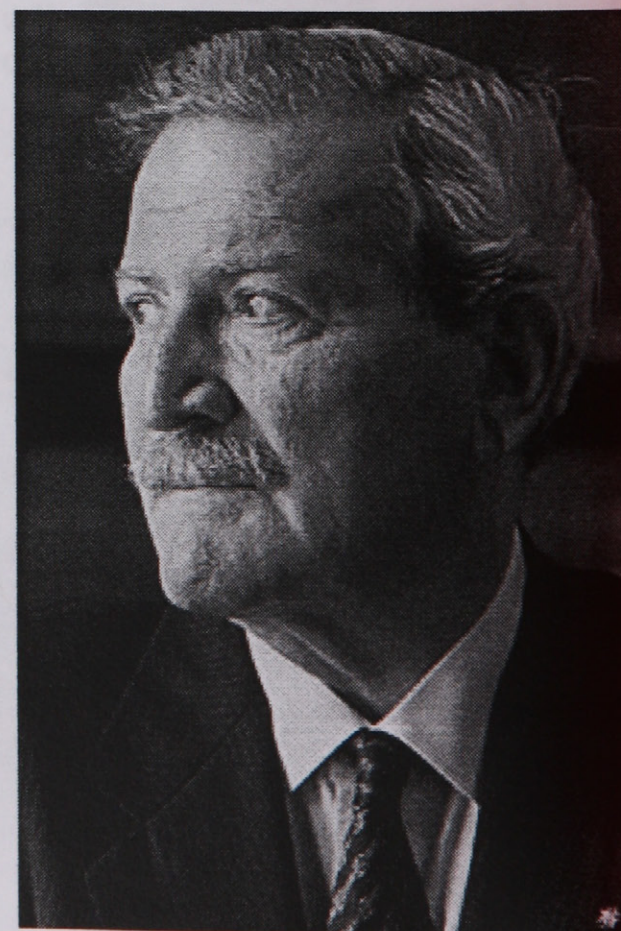
As opening speaker, the Hon. Michel Robert, Chief Justice of Québec, linked Lamer's childhood to the reforms he would spearhead later on. As the son of a lawyer, Lamer was exposed early in his life to some of the problems in the criminal law system. For example, the right to representation was not always respected: at times, it was only *after* a confession that an accused was allowed to consult a lawyer. Over the course of his career, Lamer was involved in reforms ranging from the distancing of the prosecutor from the Crown to the reduction of wait times – according to

Chief Justice Robert, Lamer hated long delays and had taken the maxim of "justice delayed is justice denied" very much to heart. Me Anne Roland, named Supreme Court Registrar the same year Lamer was named Chief Justice, confirmed this in her presentation closer to the end of the day. She recounted how Lamer had incited the Supreme Court of Canada to "wage war on delays" – though she made clear that for Lamer, efficiency was distinct from urgency or emergency: if one were to claim a case was an "emergency," Lamer would reply "we're not firemen." Efficiency, he felt, did not mean that the court would function in an emergency mode whereby the quality of the court's work would be compromised.

Chief Justice Robert also spoke of how Lamer had a great respect for first-instance judges – not only because he had been a municipal court judge, but because he was acutely conscious that the courts over which they presided were often people's first, if not only, contact with the justice system. Indeed, over the course of the day it was clear that Lamer truly felt that "the law is about people and judges are appointed to serve them," as he was quoted by Judge Thomas Cromwell of the Nova Scotia Court of Appeal.

Professeur Sébastien Grammond (University of Ottawa) gave what was by far my favourite presentation of the day. As part of the session on Lamer's influence on the development of Aboriginal law, Grammond's presentation was a story. In this story (well-told, complete with great expression and just the right amount of dramatic flair), Antonio Lamer finds himself at the Gates of Paradise having to defend what he has done for First Nations people over the course of his career.

Mon seul reproche aux organisateurs du colloque était le manque d'étudiants dans l'audience. A part un autre étudiant qui semblait être là comme moi, par intérêt, les deux autres étudiants que j'ai remarqués dans la salle étaient assistants de recherche pour une des profs qui était conférencière. C'est certain qu'avec des frais d'inscriptions plutôt élevés (heureusement couverts par l'AED pour moi – merci encore!), cela n'intéresserait pas beaucoup d'étudiants de manquer leurs classes du vendredi et de payer \$45. Ce que je me demande, c'est pourquoi est-ce que les organisateurs n'ont pas donné au moins aux étudiants en droit de l'Université de Montréal la possibilité d'assister à une session ou deux au cours de la journée, sans frais d'inscription? Etant donné la qualité des conférenciers, c'était un peu dommage de voir la salle bien loin d'être remplie. Et tout cas, je suis contente, moi, d'avoir pu y assister!



(continued from page 2)

Tony is not alone. Many sweethearts feel the need to publicize their feelings for one another on Valentine's Day. In fact, in 2006, Alexei Quintero Gonzalez and Richard Koestner published the results of their study that investigated the content of 300 Valentine's Day announcements in the *Montreal Gazette*. The researchers concluded that Valentine announcements offer a rare opportunity to expose gender differences in the expression of romantic emotions. Gonzalez and Koestner specifically studied how individuals who were either married or dating expressed love, praise, commitment and fidelity. The researchers concluded that, interestingly enough, men emphasized praise and commitment relatively more frequently than women; women, on the other hand, more often expressed love and fidelity. The most interesting finding, according to the

researchers, is that dating men expressed commitment, *but almost completely failed to declare their fidelity*.

Through a socioevolutionary lens, Gonzalez and Koestner explain that because Valentine announcements are designed in part to comfort and reassure one's partner, men and women have a different task in designing their respective messages. Men are more likely to declare their level of commitment in order to reassure their partners that they will continue to invest resources in their relationship. Women, on the other hand, are perhaps more likely to announce their fidelity in order to eliminate any concern for jealousy. Truth be told, there are other (and I think *better*) ways to celebrate your love than placing a twenty-five-word announcement in a section where that message is bound to get lost in a sea of verbal

fromage.

Chocolate, for instance, is really where it's at. It is interesting to note that even in the dismal state of our economy, Valentine's Day may actually be recession proof. Chocolatiers, for instance, are bound to profit this Valentine's Day season. *Hershey's Co.* has announced that it expects sales growth of 2% to 3% in 2009. However, as with coffee, eating out and shopping, the recession has consumers downsizing their chocolate fix. *Hershey's* projected growth is undoubtedly related to it usurping the clout of premium chocolate makers like *Godiva* and *Lindt*. As a result, many lovers should both expect and graciously accept a bag of *Hershey's Kisses* over a box of Limited Edition *Godiva* Chocolate Coconut Filled Truffles.





Concours de plaidoirie Pierre-Basile Mignault

Le comité organisateur du Concours de plaidoiries Pierre-Basile Mignault est heureux de vous inviter à assister aux rondes éliminatoires et finales qui auront lieu à l'Université McGill les 13 et 14 février 2009.

Quand ? Vendredi, le 13 février, de 8h30 à 17h00 (rondes éliminatoires)
Samedi, le 14 février, de 10h00 à 11h00 am (ronde finale)

Où ? Salle du Tribunal-école Maxwell Cohen, New Chancellor Day Hall,
Faculté de droit

Pourquoi ? Parce que quatre de vos collègues entreront en compétition contre des étudiants de 5 autres facultés de droit afin de se rendre à la finale et de remporter de prestigieux prix de plaidoirie.

Parce que le Concours Mignault n'a lieu à McGill qu'une fois tous les 6 ans!! Nous comptons sur vous pour en faire un grand succès.

Narimane NABAHI

Benedicte MARTIN

Alexandre FOREST

Olivier COURNOYER BOUTIN

Entraîneurs : Prof. Yaëll EMERICH, Me Jean Philippe DALLAIRE, Me Marianna FERRARO,
Me Philippe DUFORT LANGLOIS and Me Geneviève BERTRAND.

Pour plus d'information, voir notre site web: www.concourspbm.ca

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The organizing committee of the Pierre-Basile Mignault moot competition is happy to invite you to attend the moot elimination rounds and finals which will take place at McGill University on February 13 & 14, 2009.

When? Friday, February 13, from 8h30 to 17h00 (elimination rounds)
Saturday, February 14, from 10h00 to 11h00 AM (finals)

Where? Moot court, New Chancellor Day Hall, Faculté de droit

Why? Because four of your colleagues will be competing against students from 5 other faculties of law to make it to the finals and earn prestigious pleading prizes.
Because the Mignault Moot comes to McGill once every 6 years only!! We count on you all to make it a great success.

Narimane NABAHI

Benedicte MARTIN

Alexandre FOREST

Olivier COURNOYER BOUTIN

Coached by Prof. Yaëll EMERICH, Me Jean Philippe DALLAIRE, Me Marianna FERRARO,
Me Philippe DUFORT LANGLOIS and Me Geneviève BERTRAND.

For more information, see our website: www.concourspbm.ca